

REMARKS

I. Introduction

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 3-5, 7-11 are canceled. The cancellation of claims does not constitute acquiescence in the propriety of any rejection set forth by the Examiner. Applicants reserve the right to pursue the subject matter of the canceled claims in subsequent divisional applications.

Claims 2, 6, and 12 are currently amended.

Support for claims 12-14 can be found in examples 1 to 97 on pages 55 to 114 of the application. No new matter is introduced.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Upon entry of this Amendment, claims 2, 6 and 12-14 are under examination. Claims 2 and 6 are withdrawn.

II. Response to Claim Rejections and Objections

a. Claim Rejections under 35 U.S.C. § 112, First Paragraph

The Office rejected claims 9-11 under 35 U.S.C. § 112 first paragraph, for the alleged lack of enablement commensurate with the scope of the claims, i.e. preventing or treating all viral infectious diseases. (page 4 of the Office Action) The Applicants cancel claim 9-11 and added new claims 13-14 solely to advance the prosecution of the present application without prejudice and disclaimer. Claims 13-14 claim provide a method for treating an infectious disease caused by hepatitis C virus, which the Office has conceded will satisfy the enablement requirement. Office Action, p. 4. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejections on this ground.

b. Double Patenting

The Office provisionally rejected claims 3-5 and 8-11 on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-24 of co-pending application No.: 10/544,896.

Applicants canceled claim 3-5 and 8-11, and add new claims 12-14. Amended claim 12 does not overlap with any subject matter covered by formula (I) in the disputed claims of U.S. 10/544,896. Therefore, the rejections on the ground of obviousness-type double patenting are moot. Accordingly, the Applicants respectfully request the reconsideration and withdrawal of the rejections on this ground.

c. Claim Rejections under 35 U.S.C. §102(b)

The Office rejected claims 3 and 8 as being anticipated by Mandala *et al*, claims 3, 4, and 5 as being anticipated by Meinz *et al*, and claims 1 and 7 as being anticipated by Exumi *et al*. (Pages 3-4 of the Office Action) Applicants canceled these claims and added claims 12-14 which exclude the subject matter allegedly encompassed by the rejected claims, therefore, rendering these grounds for rejections moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections on these grounds.

d. Claim Objections

The Office objected to claim 10 for using abbreviation HCV. Office Action, p. 9. Applicants recite the full term “hepatitis C virus” in claims 13-14 obviating the objection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection.

CONCLUSION

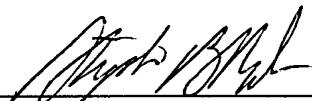
The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant(s) hereby petition(s) for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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